

# INTRODUCTION

The policy of the state of North Carolina is to allow public access to the activities of government. This booklet explains North Carolina's Public Records Act and Open Meetings Law. These laws are commonly known as the "Sunshine Laws" because they shed light on the activities of government.

North Carolina Attorney General Roy Cooper and the North Carolina Press Association are providing this guide to help everyone — public officials and the general public — know more about open government. This booklet is not intended to provide legal advice. The goal is to provide a useful guide to help everyone understand North Carolina's Sunshine Laws.

## FOR THE PUBLIC

### Making a Public Records Request

There is no specified procedure or form necessary to request copies of public records. There is no requirement that requests be in writing, except in the case of requests for copies of computer databases. Some agencies might ask for written requests for their records in order to assure accuracy, but they cannot insist on it. There is no requirement that the person making the request refer specifically to the Public Records Law or disclose the reason for their request. Also, there is no requirement that the person making the request provide their name or any identification.

### Receiving Notice and Attending a Meeting of a Public Body in North Carolina

In most cases, the public is entitled to be notified that a meeting is scheduled. Public bodies are required to send out individual notices of unscheduled meetings to anyone who submits a written request and pays a \$10 annual fee. Members of the news media do not have to pay the \$10 fee. Different bodies operate under different notice rules. The public can also check their local newspaper's web site for notices of upcoming meetings. The public has a right to see a meeting agenda and accompanying handouts (except exempted materials, such as attorney-client communications, etc.). The public has the right to see written minutes of closed meetings, once the situation that prompted the closed meeting has passed.

## FOR GOVERNMENT OFFICIALS

### Responding to a Public Records Request

1. Make a note of the requested information and the date of the request.
2. Determine if the request is for copies of docu-

ments or to inspect documents. The public and news media are entitled to both.

3. Determine whether there will be a cost — other than the cost for simple copying. Any fee charged must not exceed the actual cost of searching for and making copies. No fees may be charged for inspecting public records.

4. Notify the requesting party in writing that the request has been received and give a reasonable timetable for a response. Include information about costs.

5. Remember that public records includes all books, maps, photos, papers, cards, magnetic tapes, computer data or other documentary materials in the possession of a public body.

6. Be careful not to release private information such as Social Security numbers, drivers license numbers or bank account information.

7. If you have questions or concerns, contact the Attorney General's office at (919) 716-6938 or email the Open Government Unit at [OpenGov@ncdoj.gov](mailto:OpenGov@ncdoj.gov).

### How to Properly Give Notice of and Conduct a Meeting

Make sure that all meetings of a public body, except emergency meetings, are formally noticed in accordance with the schedule established by the public body.

The formal notice of a "regular" public meeting must advise the public of the date, time, and place of the meeting.

If a special meeting is to be held (any meeting other than a regularly scheduled or emergency meeting), the public must be given notice of the meeting at least 48 hours in advance by posting the notice on the public body's principal bulletin board and by sending notice to any media that have requested notice of a special meeting.

An emergency meeting may only be convened if there are unexpected circumstances to warrant holding a meeting on less than 48 hours notice to the public. If such circumstances exist, formal notice of the emergency meeting must be given to all media that have requested notice.

If any meeting is recessed, formal notice of when and where it will be reconvened must be given publicly during the open meeting that was recessed.